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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,105	04/23/2001	Jean-Claude Chevet	PF980073	2816

7590 11/13/2003
Joseph S Tripoli
Thomson Multimedia Licensing Inc
CN 5312
Princeton, NJ 08543-0028

EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,105

Applicant(s)

CHEVET ET AL

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Specification

1. The disclosure is objected to because of the following informalities: On page 11, Line 8 instead I3+ 3, should be I3+2.

Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,10 of U.S. Patent No. 6,201,519 B1 in view of Van Dijk US Patent No. 6,424,325.

Although the conflicting claims are not identical, they are not patentably distinct from each other because independent claim 1 in application have correspondence in wording to claims 1, 4 and 10 in the U.S. Patent No. 6,201,519 B1, except for the limitation regarding the sum of the weights of these bits remaining identical from one control word to the other (See in Application Page 24, Lines 17-18) and common knowledge in prior art that the sum of the

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weight factors associated with those sub field periods determining the luminance (See Col. 1, Lines 26-27 in Dijk reference).

The limitation “different coding of the column control words is performing depending on whether the word relates to an even or odd line” in independent claim 1 of proposed invention is addressed in Chevet et al., claim 1: “coding the gray levels relating to an item of information regarding the luminance of two cells situated in same column and in two adjacent lines as a second control word and a third control word corresponding to specific values” and claim 4, describing the coding of the gray levels in two (odd and even) adjacent lines.

Motivation for combining references could be found in Chevet et al. reference: **To reduce contouring problem** (See Col. 1, Lines 24-29 by: “**the coding of the specific values is chosen in such away as to distribute the resulting error over each of specific values**” (See Col. 2, Lines 59-63), “The process for coding gray level of a pixels carried out by separation of the information item to be transmitted between a value specific to the pixel to be coded and to the pixel of the of the adjacent line and the same column” (See Col. 3, Lines 14-28) **and** in Van Dijk reference **to preserve the luminance value**: “Each display element which is to be lit during the field period is addressed in one or more of the sub field periods, the sum of the weights factors associated with those sub field periods determining the luminance with which the display element is lit” (See Col. 1, Lines 24-29).

3. Applicant's arguments filed 10.06.03 have been fully considered but they are not persuasive.

On page 4, 2nd paragraph Applicant's stated that Chevet et al. does not disclose nor suggest the use of different coding of the column control words is performing depending on whether the word relates to an even or odd line, as recited in independent claim 1 of proposed invention. However, this limitation is addressed in Chevet et al., claim 1: "coding the gray levels relating to an item of information regarding the luminance of two cells situated in same column and in two adjacent lines as a second control word and a third control word corresponding to specific values" and in claim 4, describing the coding of the gray levels in two (odd and even) adjacent lines.

In the same paragraph, the Applicant's stated: "In contrast, one ordinary skill in the art would be instructed by Chevet to apply the same weight of bit in a column control word for all column control words". However, that is true only for a first control word corresponding to a common value (See claim 1 in Chevet et al. and specification of claimed invention), not for a second and third control words (See claim 1 in Chevet et al. reference and specification of the claimed invention).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

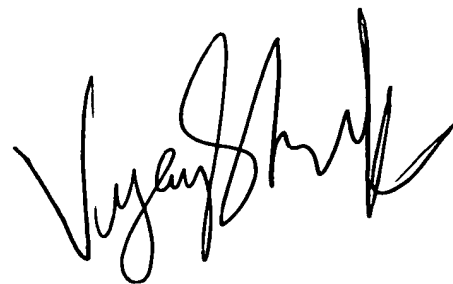
Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Is

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, cursive script.

**VIJAY SHANKAR
PRIMARY EXAMINER**